

SANDRA MEYER)	
Claimant)	
VS.)	
)	Docket No. 1,000,617
NOLAN REAL ESTATE SERVICES)	
Respondent)	
AND)	
)	
HARTFORD ACCIDENT & INDEMNITY)	
Insurance Carrier)	

Conversely, respondent and its insurance carrier contend the March 14, 2003 Order should be affirmed. They argue claimant's present need for medical treatment is unrelated to the July 2001 accident. Moreover, they argue claimant's present need for medical treatment is the direct result of later injuries that were unrelated to the July 2001 accident.

The only issue before the Board on this appeal is whether claimant's present need for medical treatment pertains to the July 2001 accident or the natural and probable consequences of the injuries sustained in that accident.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record compiled to date, the Board finds and concludes that the March 14, 2003 Order should be affirmed.

On or about July 8, 2001, claimant sustained personal injury by accident arising out of and in the course of her employment with respondent while cleaning a maintenance shop. Claimant began receiving medical treatment and in late July 2001 was released to her regular work duties. In August 2001, claimant was terminated from respondent for reasons unrelated to her injuries.

This is the third preliminary hearing that has been held in this claim. At the conclusion of the first two preliminary hearings, the Judge ordered respondent and its insurance carrier to provide claimant with medical benefits. Respondent and its insurance carrier sought the third preliminary hearing, which was held on March 11, 2003, to request the Judge to terminate claimant's ongoing medical benefits. The only issue presented to the Judge at the March 11, 2003 preliminary hearing was whether claimant's present need for medical treatment was related to claimant's July 8, 2001 work-related accident. In deciding that issue, the Judge considered Dr. Mary Ann Hoffmann's January 29, 2003 deposition testimony.

According to Dr. Hoffmann, who began treating claimant in February 2000, the July 2001 accident did not permanently aggravate the preexisting degenerative disk disease in claimant's neck and low back and the accident did not permanently aggravate or accelerate the preexisting spinal stenosis in claimant's low back. On the other hand, the doctor testified that claimant experienced a significant increase in symptoms in late November 2001 while lifting laundry and after that incident claimant's low back symptoms did not improve. Moreover, the doctor testified that claimant's present need for orthopedic and neurosurgeon evaluations is not due to the July 2001 accident.

Based upon the present evidentiary record, the Board finds that claimant has failed to prove that her present need for medical treatment is related to the July 2001 accident. Accordingly, the Judge properly denied the request for ongoing medical benefits at the cost of respondent and its insurance carrier.

Finally, the Board is compelled to comment on the approximately 200 pages comprising Dr. Hoffmann's entire medical chart that counsel introduced into evidence at the doctor's deposition. For future reference, the Board requests counsel to exercise

discretion in selecting documents that are offered into evidence. Ideally, only those documents that have some significance or particular relevance to an issue in controversy should be placed into the record. By exercising discretion, not only the judges and this Board, but also the appellate courts, will benefit as the record is not burdened with documents having no evidentiary value.

WHEREFORE, the Board affirms the March 14, 2003 Order entered by Judge Avery.

IT IS SO ORDERED.

Dated this ____ day of May 2003.

BOARD MEMBER

c: Chris Miller, Attorney for Claimant
Heather Nye, Attorney for Respondent and its Insurance Carrier
Brad E. Avery, Administrative Law Judge
Director, Division of Workers Compensation